MINUTES (Audio Recording Is Inaudible) BOARD OF ZONING APPEALS AUGUST 16, 2012

Pre-Review Meeting 6:00 p.m. Law Conference Room

A. Review docket items.

REVIEW MEETING 6:30 P.M. Auditorium

1. Rolf Call

The meeting was called to order at 6:35 P.M.

Members Present

Cynthia Bender

Kyle Krewson, Vice Chair Jennifer Matousek

James Nagy, Chairman

Others Present

Mary Leigh, Secretary, DCD Programs Manager, P&D

Jeff Fillar, Asst. Bldg. Comm., Residential

Kevin Butler, Assistant Law Director

2. Approve Minutes of the June 21, 2012 meeting.

A motion was made by Mr. Krewson, seconded by Ms. Bender, to **APPROVE** the minutes of the June 21, 2012 meeting. All of the members voting yea, the motion passed.

3. Opening Remarks.

Ms. Leigh read the Opening Remarks.

OLD BUSINESS

4. Docket 06-28-12

13429 Cliff Drive

Mike Sperli, Mike Mural Builders, applicant, requests approval for a variance pursuant to Section 1121.10(a)(1) — Additional Accessory Structure Regulations. The applicant requests a twenty-one inch (21") variance to the required thirty-six inch (36") in order to construct a deck fifteen inches (15") off the east property line. This property is located in an R1M, Single Family and Medium Density district. This item was deferred from the meeting of June 21, 2012. (Page 3)

Mr. Nagy recused himself from Docket 06-28-12.

Mark Sperli, applicant, and Bill Myers, property owner, were present to explain the request. The plans submitted at the June meeting had not been amended.

Mr. Sperli said the plan to included awnings had been omitted.

Mr. Fillar read a letter from Alice Mecredy, 13425 Cliff Drive, into record. Ms. Mecredy did not object to the deck but was opposed to the awning.

There were no public comments.

A motion was made by Mr. Matousek, seconded by Ms. Bender, to **GRANT** the request for a variance. Ms. Bender, Mr. Krewson, and Ms. Matousek voting yea, and Mr. Nagy recused from the vote, the motion passed.

5. Docket 06-33-12

1571 Roycroft Avenue

Jan Dregalla, property owner and applicant, requests approval for a variance pursuant to Section 1147.02(c) – Regulations. The applicant requests to park a personal travel trailer at the side of the house which is required to be in the back yard. This property is located in an R2, Single Family and Two Family district. This item was deferred from the meeting of June 21, 2012. (Page 5)

Jan Dregalla, applicant, was present to explain the request. Mr. Nagy said the submission of the revised proposal was received too late for proper review and verification of measurements by the Division of Housing and Building. Mr. Nagy encouraged that Ms. Dregalla the hearing defer until September 20, 2012.

No vote for a deferral was done.

NEW BUSINESS

6. Docket 08-34-12

1605 Riverside Drive

Gary K. Bish, applicant and property owner, requests approval for a variance pursuant to Section 1121.05(b) – Height Regulations. The applicant requests a ten foot, eight inch (10', 8") variance to build a garage twenty-five feet, 8 inches (25', 8") in height; the maximum allowable height is fifteen feet (15'). This property is located in an R1L, Single Family and Low Density district. (Page 6)

Gary Bish was present to explain the request.

Mr. Fillar said the proposal for a thirty-five foot (35') high garage was reviewed and approved by the Architectural Board of Review ("ABR") because it would be attached to the house via a portico. After approval, the plans were amended to remove the portico. The proposal was before BZA because the maximum approved height was fifteen feet (15'). He concluded the Division of Housing and Building had no objections.

Mr. Krewson wanted to know how the additional space would be used. Mr. Bish replied it would be for storage of tools only, not for an office or any other living space. Stephen Jouriles, architect with SNJ Design Studio, 12515 Clifton Boulevard, explained the original concept was to echo the design of the house. Any lowering of the garage height would not match. Asked about a hardship, Mr. Bish explained the original plan required a firewall, and that would result in the elimination of

windows and alteration of appearance. Ms. Bender asked if there would be an interior water source and any plans for living space. Mr. Nagy was concerned about the establishing of precedence for such a large variance to which Mr. Krewson concurred.

There were no comments from the public.

A motion was made by Ms. Matousek, seconded by Ms. Bender, to GRANT with the stipulation the space was for incidental use only. Ms. Matousek and Ms. Bender voting yea, Mr. Krewson and Mr. Nagy voting nay, the motion failed. The request for a variance was DENIED.

7. Docket 08-35-12

13475 Cliff Drive (a new address)

Mark Reinhold, Architect, applicant, requests approval for two (2) variances:

- 1. Pursuant to Section 1121.06 Lot Area and Frontage Regulations, the applicant request a variance of thirty-five feet (35') to build on a lot with a frontage of twenty-five feet (25') from the required sixty feet (60').
- 2. Pursuant to Section 1121.07 Minimum Yard Requirements for Principal Buildings, the applicant request a variance of twenty-three feet (23') from the forty foot (40') rear yard required in order to build seventeen feet (17') from the rear (east) property line.

This property is located in an R1M, Single Family and Medium Density district. (Page 25).

Ms. Leigh read correspondence from two neighbors expressing concern over the proposed project. These were from Mr. David Huffman, 1032 Wilbur Road and James Rambasek, 13455 Cliff Drive. Both expressed similar concerns about placement of the proposed house and its impact on abutting properties, shoreline erosion and its impact on Cliff Drive, as well as future plans for the existing house.

Regarding questions about shoreline erosion and future maintenance of Cliff Drive, Mr. Fillar explained that the Board of Zoning appeals could only address the two variance requests and stated that even if the variance were to be granted, additional engineering studies relative to erosion and impact of the project on the area would be required of the property owner before the project could move forward. These additional studies were extremely expensive and were typically only conducted after plans are approved and variances granted.

Mr. Reinhold then spoke to the 2010 Ohio Coastal Management Program aerial map of the Lake Erie shoreline to show that the footprint of the proposed home would be well behind the anticipated line of erosion projected to occur over the next 100 years. He stated that he and the property owner were fully aware that additional engineering studies (ODNR, Army Corp of Engineers, etc...) were necessary elements of the project that required completion and approvals prior to the start of any construction.

Homewood Avenue residents, Colleen Moran, 1045 Homewood Drive and Thomas Otto, 1039 Homewood Drive, were on hand to voice their concerns about the project. Ms. Moran felt that the two story structure might obstruct her view of the lake and Mr. Otto expressed concern that the house was sized too large for the lot. Both stated that despite their concerns and desire for alterations to the design, they welcomed the Semaan family and looked forward to the property once again being occupied.

Board members asked Mr. Reinhold and the property owner Michael Semaan if they would consider a smaller structure or one configured differently so as to lessen the impact on the neighbors. Mr. Semaan responded that this was the design that his family desired.

A motion was made by Mr. Krewson and seconded by Ms. Matousek to **GRANT** the variance requests. Mr. Krewson and Ms. Matousek voting yea, and Mr. Nagy and Ms. Bender voting nay, the motion failed. **The request for variances was DENIED**.

8. Docket 08-36-12

1035 Kenneth Drive

Leo Shiekh, Leo Shiekh Designs LLC, applicant, requests approval for a variance pursuant to Section 1121.07 - Minimum Yard Requirements for Principal Buildings. The applicant requests a thirty inch (30") variance to the required five foot (5') side yard in order to install an A/C unit thirty inches (30") from the east property line. This property is located in an R1H, Single Family and High Density district. (Page 33)

Sue and Ed Denk, 1039 Kenneth Drive, next door neighbors along whose property line the A/C unit sit, submitted comment to the City via email stating that they did not object to the placement of the A/C unit.

There were no comments from the public.

A motion was made by Ms. Matousek, seconded by Ms. Bender to **GRANT** the request. All members voting yea, the motion passed.

Docket 08-37-12

2021 Arthur Avenue

Jeffrey Grano, applicant and property owner, requests approval for a variance pursuant to Section 1123.03(d) – Permitted Accessory Uses. The applicant requests a twelve foot (12') high second floor deck. One deck is allowed up to forty-two inches (42") in height; an eight and one half foot (8.5') variance is requested. This property is located in an R1H, Single Family and High Density district. (Page 40)

The Building Department stated that the first floor deck had already been completed and had no objection to construction of the requested second story deck.

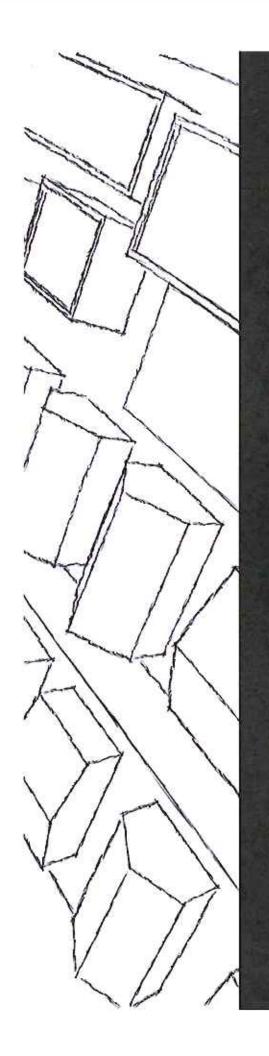
Gerald Leasure, the neighbor at 2027 Arthur Avenue, faxed a statement to the City which indicated he supported the replacement of the second story deck.

A motion was made by Mr. Nagy, seconded by Ms. Matousek to **GRANT** the requested variance. All members voting yea, the motion passed.

Adjourn.

A motion was made by Mr. Nagy, seconded by Ms. Ms. Bender, to **ADJOURN** the meeting at 7:46 P.M. All of the members voting yea, the motion passed.

Signature 5. 10/18/12

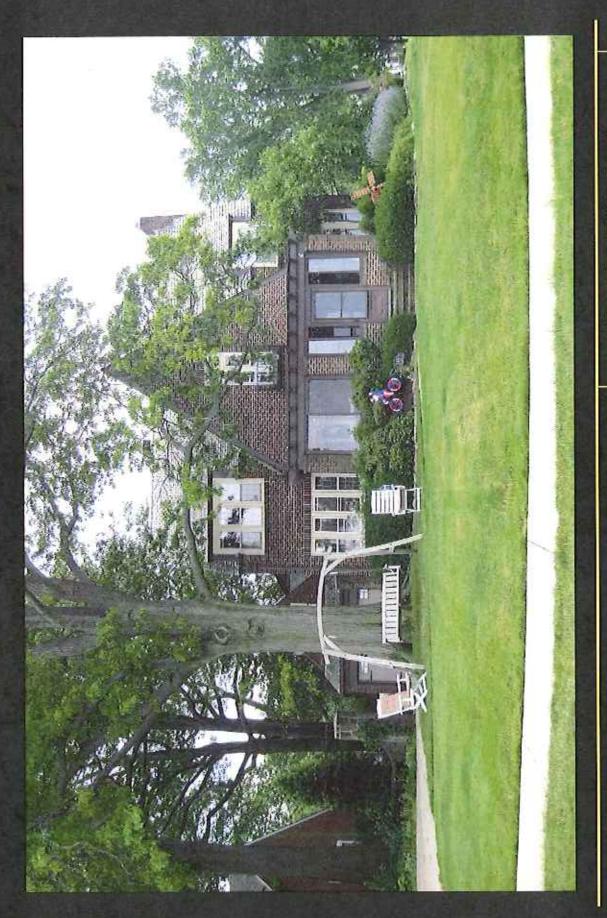


Board of Zoning Appeals

August 2012

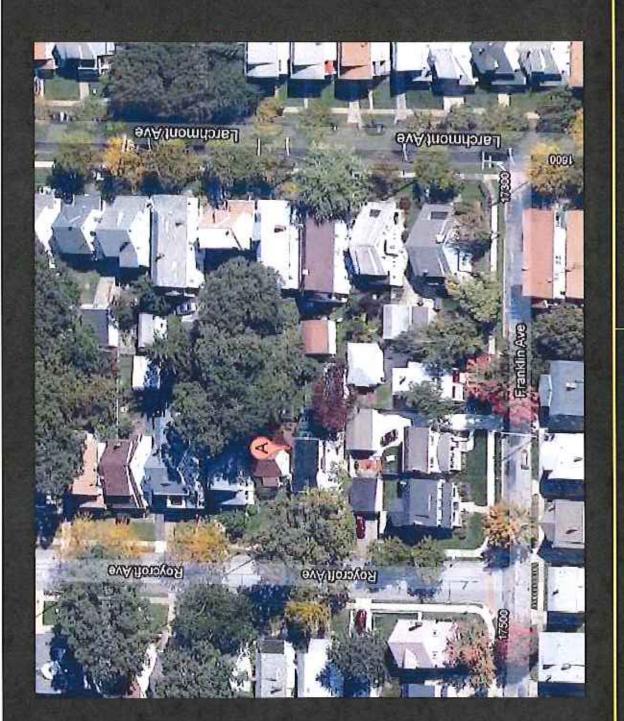












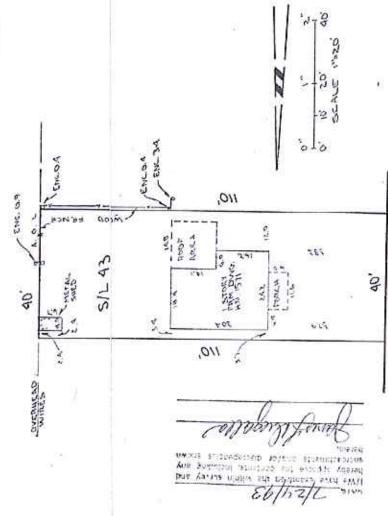


1571 Roycroft Avenue

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THIS MORTGAGE LOCATION SURVEY IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE.

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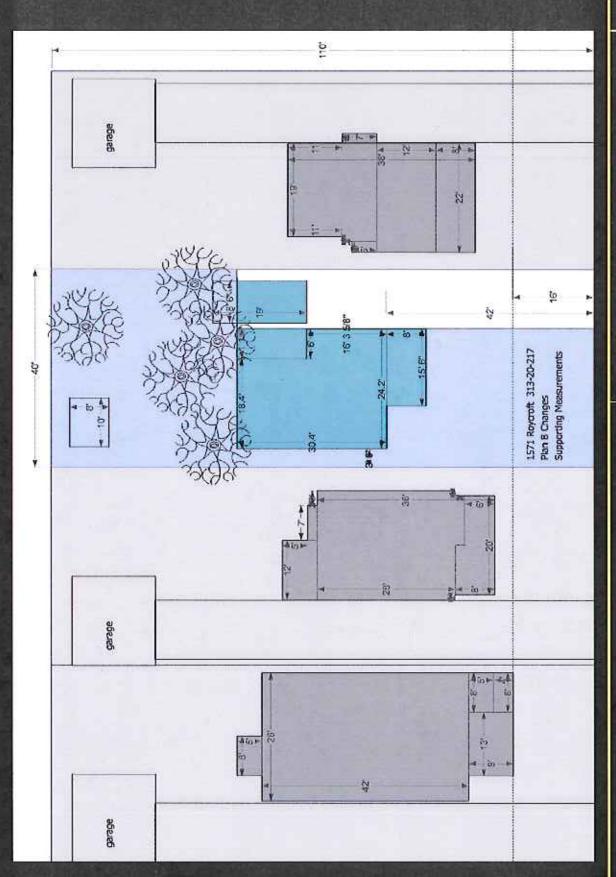


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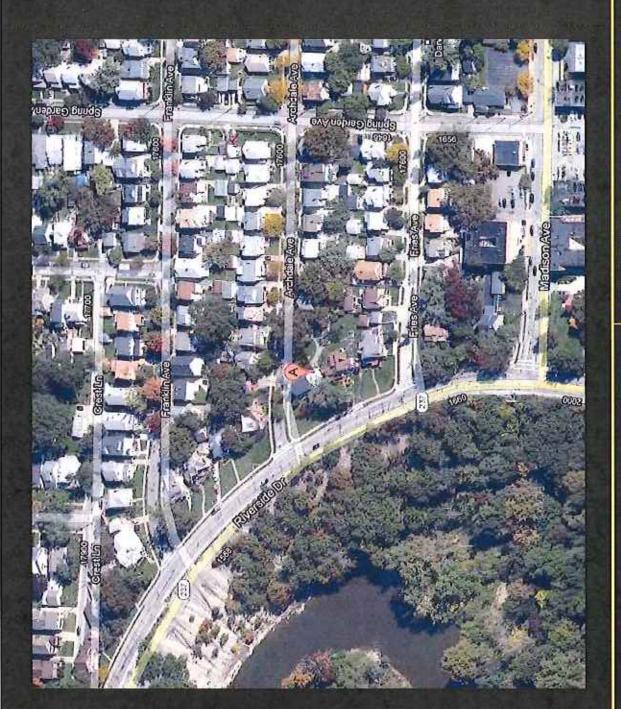
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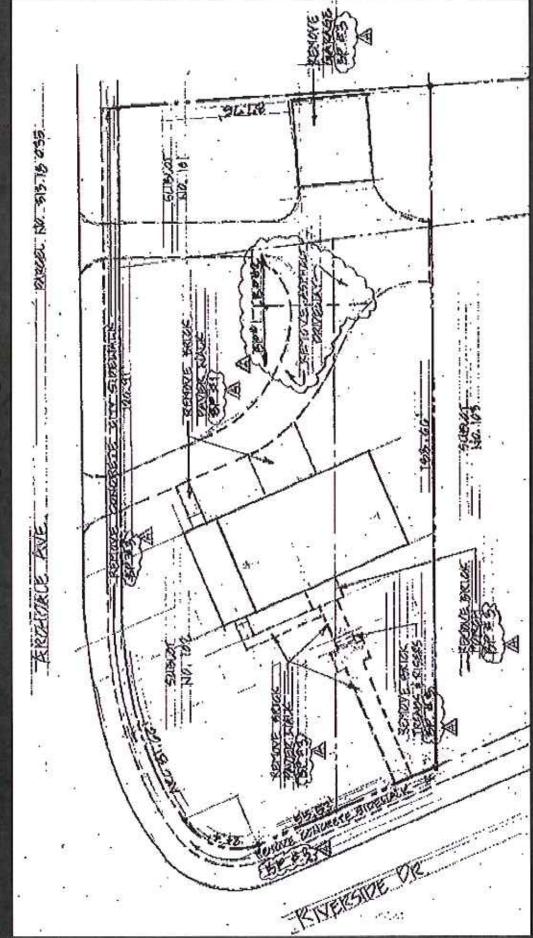




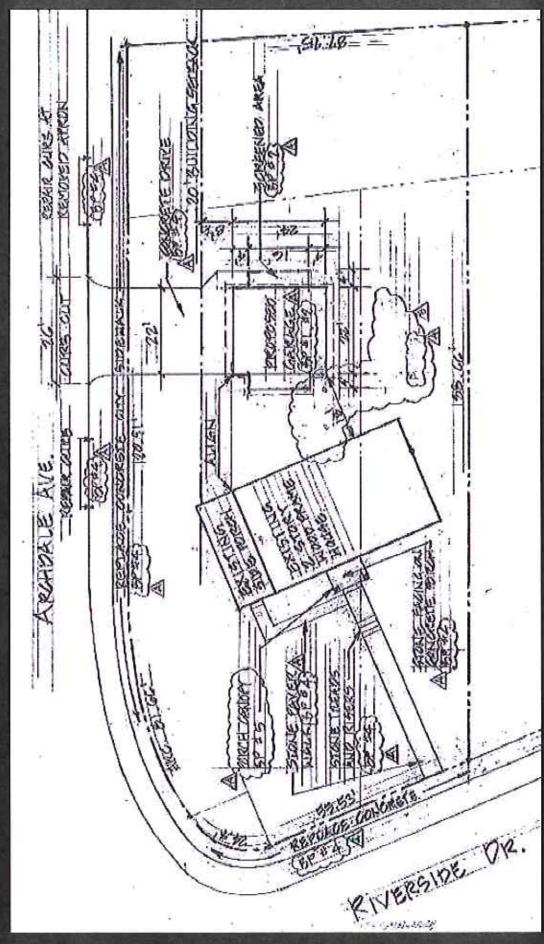


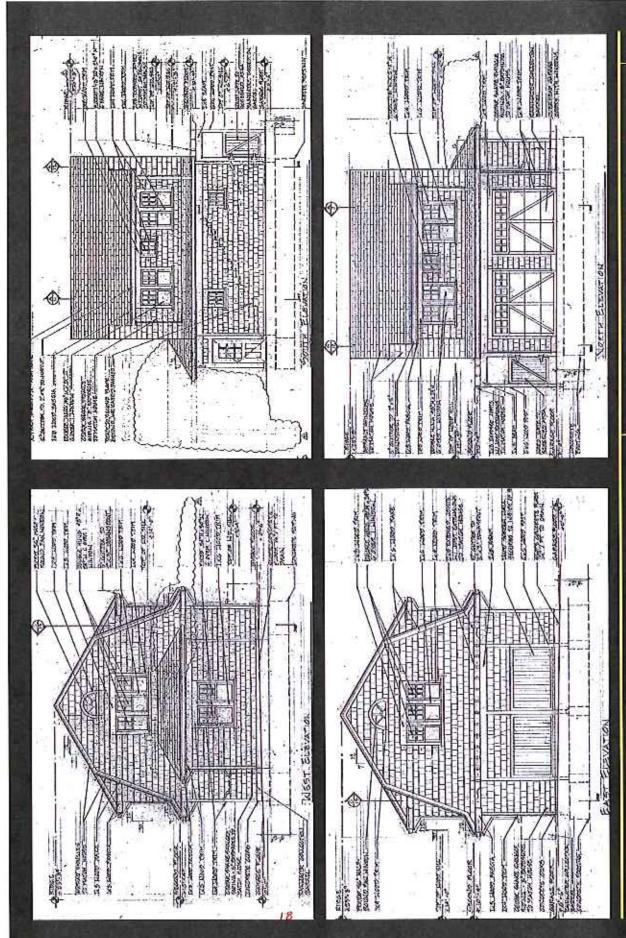


Existing Garage

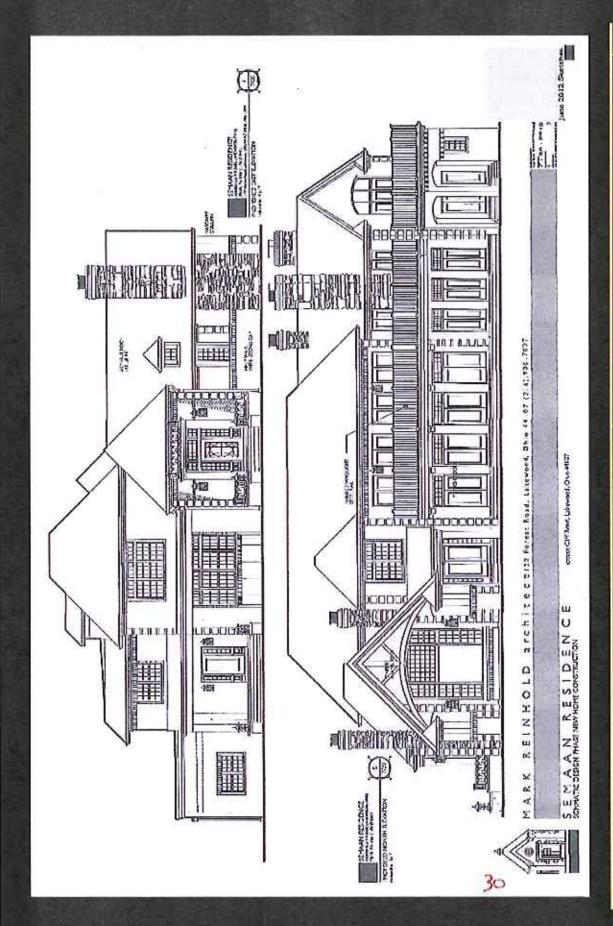


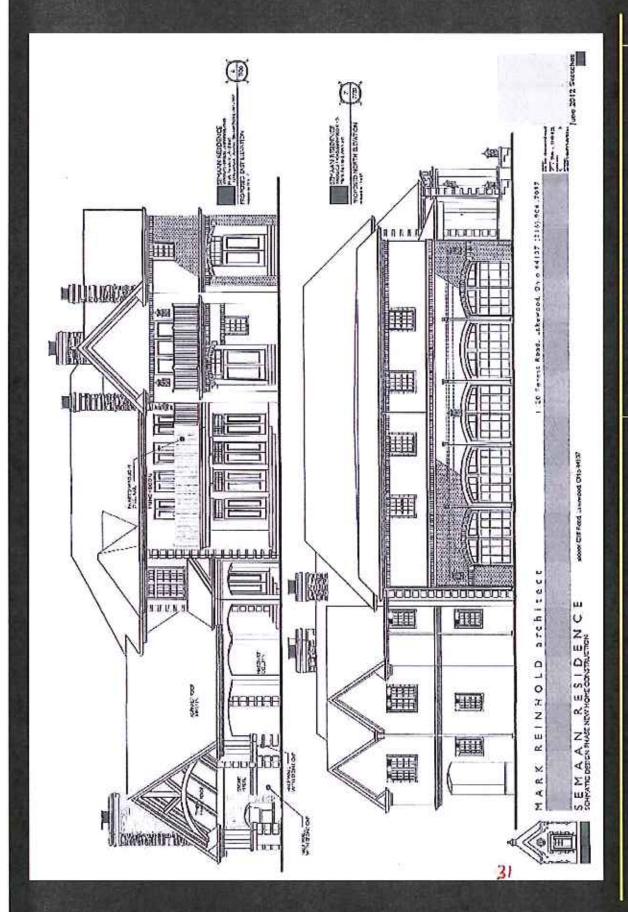
Proposed Garage











CHIO COASTAL EROSION AREA OHIO COASTAL MANAGEMENT PROGRAM

CHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGICAL SURVEY
2010

Cuyahoga County Frame: 409 [Page 2 of 2]

FINAL COASTAL EROSION AREA MAPS

This map represents the FNAL IDENTIFICATION of costal erosion eress as defined in Section 1901-6-10 through 1501-6-13 of the Dub Administrative Cost. The information is portrayed on a 2004 delpta, erhophotespanic than map. This map does not show dampas or shoraline modifications made after April 2004, Please refer to the instructions when using coastal erosion ere maps, Nelster the Ohlo Department of Natural Reportments and whom the coastal erosion from maps, Nelster the Ohlo Department of Natural Reportments and are of the original property contraction, or authoritations, may warranty, exprises of implied, not assume any legal liability of tesponskilly for the accuracy, completeness, or reliability of this map.

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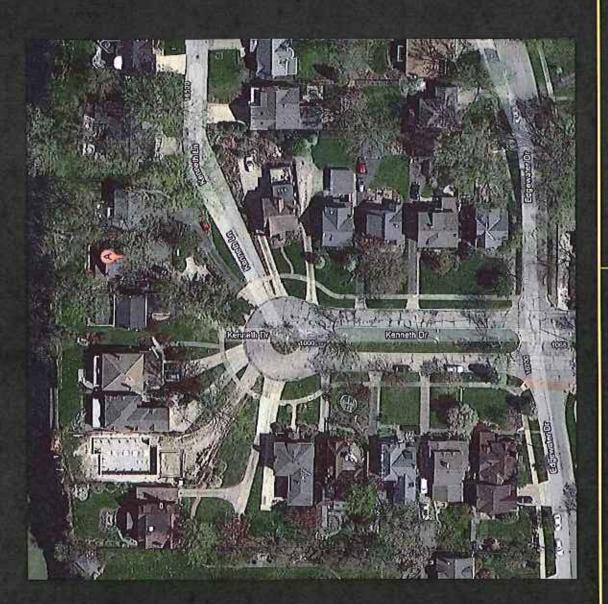
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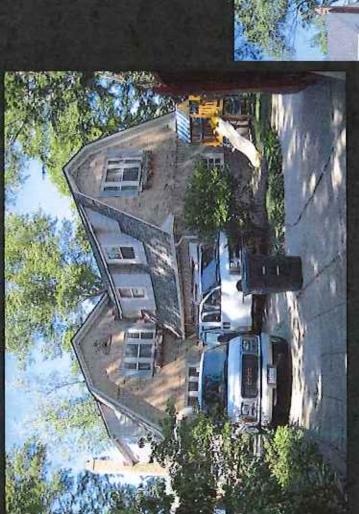
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409-7	0.0	0.0	0.0	NO CH
409-8	0.0	0.0	0.0	NOCE
409-9	0.0	0.0	0.0	NOCE
409-10	0.0	0.0	0.0	NO CH
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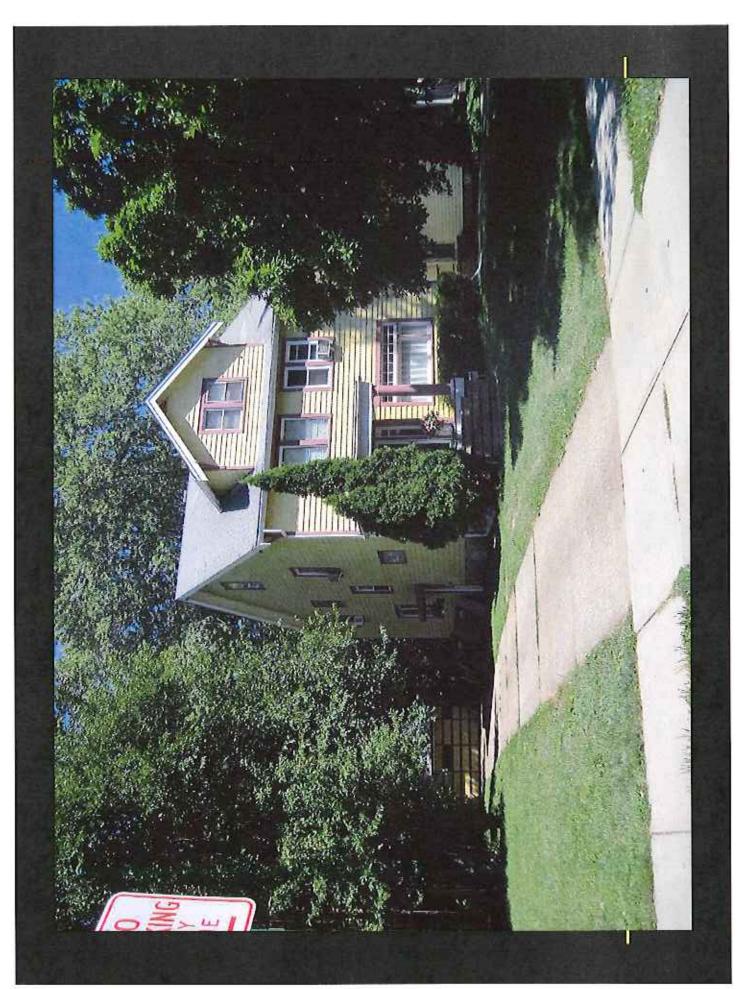


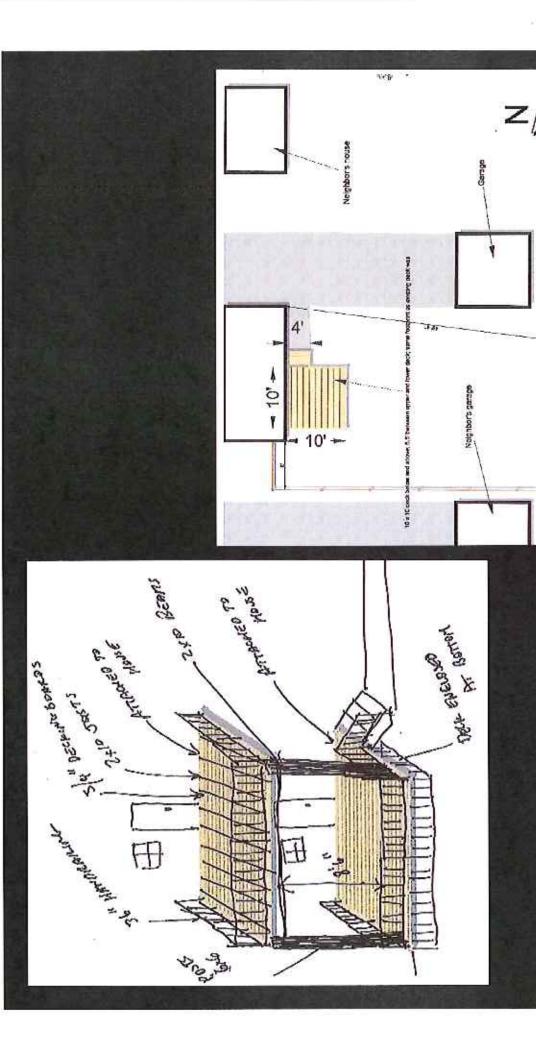


1035 Kenneth Drive

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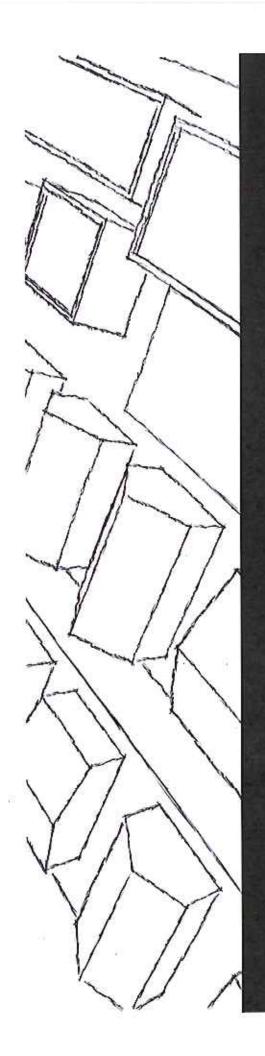
2021 Arthur Avenue





2021 Arthur Avenue

42



Board of Zoning Appeals

August 2012







Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

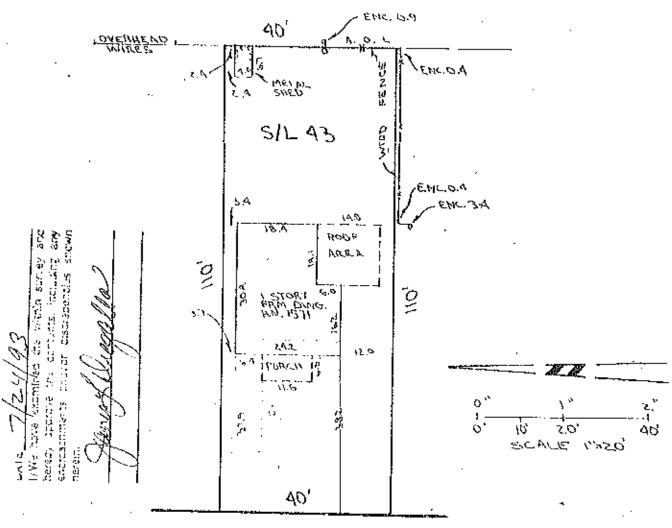
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Lakewood Administrative Procedure: ☐ ABF ☐ Income Tax Appeals ☐ Loan Approval ☐ N	R/BBS/Sign 🗆 Citizens Advisory 🗀 Civil Service 🖵 Dangerous Dog visance Abatement Appeals 🗖 Planning 🗬 Zoning Appeals 🗖 Other:
Date of Proceeding: Thursday	August 16,2012

Mortgage Location Survey shall be defined trumuntality, common to the mortgage lending linkstry, eroby, substantial proof is submitted to the onder And/or title insurer that the building(s) other improvements are actually located on the land covered by the legal description in the morthage and that said forthage Location Survey is a professional service, provided by Professional Surveyors, SMEELY FOR THE INTENT OF AND USE BY THE HORISAGES AMOVOR THESE MESURGE. THE MORTHAGE LOCATION Survey does and constitute an improvement to the property, and is only a professional opinion which these parties may use as a quide to arrive at any decisions they may wish to make concerning said real property.

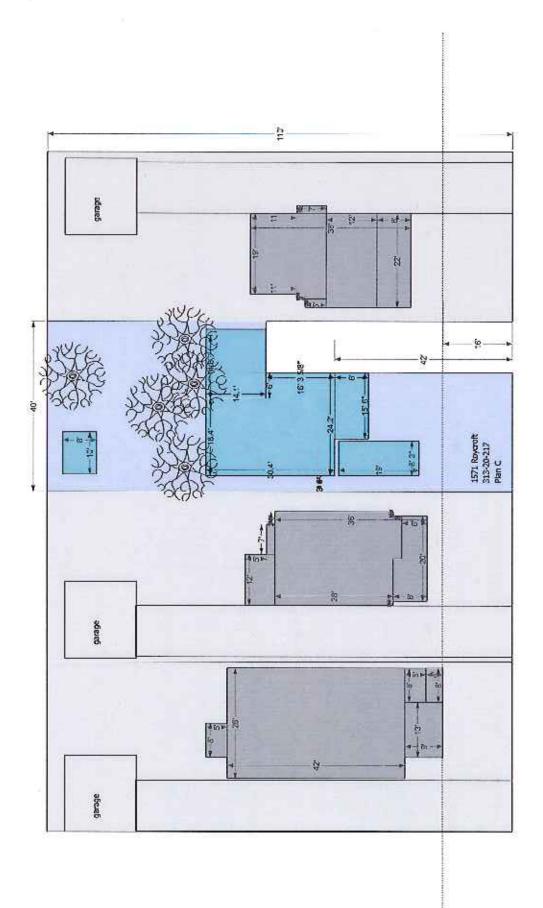
THIS MORTGAGE LOCATION SURVEY IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE.

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LINEAR ERROR OF SURVEY:



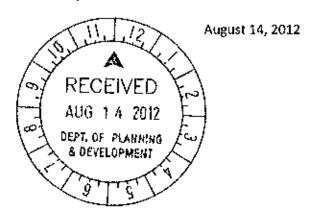
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David Huffman 1032 Wilbert Road Lakewood, Ohio 44107

Lakewood Board of Zoning Appeals August 16, 2012 meeting

Docket Item No. 7 13475 Cliff Drive (a new address)



I live at 1032 Wilbert Road and as such abut the subject property on its eastside. In reviewing the site plan on page 32 of the Board's 8/16/2012 docket, I note the request for two variances to existing setback requirements. Walking about the property one concludes that the site drawing may not reflect the narrowness of the parcel or the affects of recent erosion, and as such may not accurately represent the proposed site. As I will be travelling on Thursday and unable to attend the meeting, I offer the following observations for your consideration.

- I note, for example, that the site plan on page 32 refers to the "1995 waterline," ignoring the
 fact that there has been considerable erosion along this parcel and Cliff Drive over the past
 years. Case in point, one of the sewers depicted on the site drawing fell into the lake several
 years ago. Additionally, the ravine pictured to the northeast of the site, actually begins at the
 property line.
- The drawing gives the impression of significant open space on the north to the cliff and to the southern property line. It shows the back of the house (to the south)ending just shy of the Rambasek property line to its east. However, given the erosion of the cliff, coupled with the ravine on the property's northeast corner, I question whether this site drawing truly reflects the site's buildable dimensions as they exist today. I am concerned that if the variations are approved as presented today, once the project goes forward, the plan will need to be "adjusted," moving the house further to the south, away from the cliff and ravine. The proposed variance to the setback on the eastside would potentially put the driveway, the five car garage and house just "out my back door."
- The site plan has the driveway coming off of Cliff Drive. The ravine which is pictured cutting in to the property inside the parcel actually begins at the very northeast corner of the property line and juts south, seeming to interfere with the planned driveway. As noted above, the erosion is already threatening Cliff Drive. I note that the city several years ago moved the Cliff Drive water line from under the street to the south and under the sidewalk, seemingly signaling that it has no intention of "defending" Cliff Drive from further erosion. Will the city be committed to defending Cliff Drive so as to provide the owners of the new house access? What about fire engine and/or utility truck access. It would seem a simple solution to run the drive from Edgewater to the southerly facing garage area.

August 16, 2012 meeting Docket no. 7 13475 Cliff Drive (a new address)

- The 17" setback on the western edge of the house, abutting Homewood, will mean that
 Homewood residents will have a two story building, with a second floor balcony, overlooking all
 activity in those backyards with little room available (except for what they my plant on their
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- The proposal for this northern parcel also begs the question as to what the owners have planned for the large house that exists today and the rest of the property to the south which they also own, as that too will influence those of us abutting or living near the property. The elimination of its "lakefront" status, coupled with the rumored significant costs to repair, would seem to ensure that it is likely to be torn down and developed. If that is the plan, we should hear about it now.

This is a very large house to fit within such a relatively narrow parcel. Walking about the property, one comes of the view that what we have here is a size nine foot trying to fit inside a size eight shoe, thus the need to impose upon its neighbors with these zoning variations. A new survey should be ordered that accurately reflects the existing dimensions of the parcel and particularly its buildable space. This would permit a much better understanding of where the house would set and how it might impact the neighbors and give us all a better understanding of the impact of the variations currently under consideration.

Deen Huffmon



PRINT NAME:



Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

SIGN NAME:

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Prepared by: The City of Lakewood Law Departmen	nt, 12650 Detroit Ave., Lakewood, Ohio 44107	
- FOR CITY USE		
Lakewood Administrative Procedure: ABR/BBS/Sign Citizens Advisory Civil Service Dangerous Dop		
☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☐ Planning ☐ Zoning Appeals ☐ Other:		
Date of Proceeding: Thursday, Au	just 16, 2012	

Date: July 3, 2012

To:

Bill & Edie Myers 13429 Cliff Drive Lakewood, Ohio 44107



From:

Alice Mecredy 13425 Cliff Drive Lakewood, Ohio 44107

Ref: Application - Board of Zoning Appeals

I understand Bill and Edie Myers, the owners of 13429 Cliff Drive, Lakewood Ohio 44107, are interested in installing a deck to East of their garage which is next to my house. I also understand that the Myers are applying for a variance pursuant to Section 1121.10(a)(1) – Additional Accessory Structure Regulations whereby they are seeking a twenty-one inch (21") variance to the required thirty-six inch (36") in order to construct a deck fifteen inches (15") off the east property line.

I am aware of this request and fine with the Board of Zoning Appeals approving the request, however, I do not concur with the optional decorative awining and request that the railings, if used, be limited to approximately three feet high.

Thank you:

Alice Mecredy

alice Mecredy



David Huffman 1032 Wilbert Road Lakewood, Ohio 44107



Lakewood Board of Zoning Appeals
August 16, 2012 meeting

Docket Item No. 7 13475 Cliff Drive (a new address)

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Sincerely

Dun Hulfmon

Leigh, Mary

From:

Sylvester, Bryce

Sent:

Monday, August 13, 2012 8:49 AM

To:

Leigh, Mary

Cc:

Schwarz, Johanna

Subject:

FW: 13475 Cliff Dr Statement of concern

Mary – Below are written remarks from a gentleman who came to ABR in regards to 13475 Cliff. He can't make the BZA meeting this week and I told him I would get this to your board members.

Thanks,

Bryce Sylvester, Project Specialist II
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-6635 (Office)



From: James Rambasek [mailto:jrambasek@aol.com]

Sent: Friday, August 10, 2012 10:59 PM

To: Sylvester, Bryce

Subject: 13475 Cliff Dr Statement of concern

Dear Lady and gentlemen;

Since I will be out of town I would like my remarks addressed to the hearing.

When the property was divided there was a hearing and the access to the north section was addressed and the size and sturdiness of the road was brought up. I was told it would have to be wide enough and sound enough to handle heavy fire trucks. Since then the brick sewer that was there forever cracked and spewed water on the cliff, causing erosion. (That was called to the attention of Mike Summers, my councilman at the time.) No effective remedy was achieved and the brick sewer fell into the lake this spring. But not before so much erosion has occurred that the section by the sewer lid near my fence is the low spot and rain run-off now collects there and runs down this area of the cliff adding to erosion. (Pictures of this condition were sent to Mr Delvecchio.) This is all background to my concern to extending Cliff Dr to the north section of the old Heideloff property. Who will build this extension and to what standards? Who will maintain it in the face of further erosion? They also may want to look at the cleft in the clay near the sewer head indicating a further drift in this area. To build a safe, sound and secure road will require these issues to be addressed.

As far as the variances that were requested: there is considerable erosion at the north end of the 13475 Cliff property (there was a gazebo that fell into the lake years ago) which is why they want the house closer to the old house, I believe. The horizontal spread of the plans come considerably closer than are now allowed and will alter the natual tranquility the area currently has. I'm sure a fine house can be constructed within the existing zoning rules and would hope that will be done.

Thank you for your time,

James F Rambasek

13455 Cliff Dr and owner of the lake parcel north of the wrought iron fence the entire length of Cliff Dr.

Schwarz, Johanna

From:

Leigh, Mary

Sent:

Wednesday, August 08, 2012 2:29 PM

To:

Schwarz, Johanna; Fillar, Jeff

Subject:

August BZA - FW: docket 08-36-12, 1035 Kenneth dr.

From: Planning Dept

Sent: Wednesday, August 08, 2012 1:55 PM

To: Leigh, Mary

Subject: FW: docket 08-36-12, 1035 Kenneth dr.

FYI

From: Suedenk3 [mailto:suedenk3@aol.com] Sent: Wednesday, August 08, 2012 11:33 AM

To: Planning Dept

Subject: docket 08-36-12, 1035 Kenneth dr.

To Mary Leigh,

We live at 1039 Kenneth Dr. next door to 1035 Kenneth Dr. We have no objections to the placement of the A/C unit. Sue and Ed Denk

Suedenk3

suedenk3@aol.com

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BOARD OF KONTNO APPEALS

12690 Detroit Avenue + 44107 + (216) 529-6630 + FAX (216) 529-5907 WAN-anniskawend.open/development

PUBLIC NOTICE August 3, 2012

Re: Docket 08-37-12 2021 Arthur Avenue

The Board of Zoning Appeals, at its meeting of August 16, 2012, will consider a request from Jeffrey Grano, applicant and property owner, for a variance pursuant to Section 1123.03(d) – Permitted Accessory Uses. The applicant requests a twelve foot (12') high second floor deck. One deck is allowed up to forty-two inches (42") in height; an eight and one half foot (8.5') variance is requested. This property is located in an R1H, Single Family and High Density district.

If you wish to express your views on the above captioned property, you may do so at this public meeting. If you are unable to attend the meeting, you can send a written document to fex number (216) 529-5907 or e-mail to Planning@lakewoodoh.net.

The meeting of the Board will commence at 6:30 P.M. in the Auditorium of Lakewood City Hall, 12650 Detroit Avenue. Please use the west side entrance into City Hall, The work session for the Board will begin at 6:00 P.M. in the Law conference room.

If your building is tenant occupied, please advise your tenants of the scheduled meeting or post this notice in an area of general use. Also, if your property has been sold with the last $\sin(\theta)$ month period, please be sure this notice reaches the new owner.

Sincerely,

Mary Kelgh

Board Secretary

Planning and Development

THE HOUSE AT 2021 HAS
HAD A SECOND FROM DECKTOR
OVER 40 YEARS. TO NEEDS
REPRESENTATION THERE IS A FLEST MANY
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(I was Ba 00/05 Aug 72013